



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

114

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,152	01/12/2001	Richard B.C. Tucker SR.	STX-001	8917

28970 7590 08/29/2003

SHAW PITTMAN
IP GROUP
1650 TYSONS BOULEVARD
SUITE 1300
MCLEAN, VA 22102

EXAMINER

DUONG, THANH P

ART UNIT PAPER NUMBER

3711

15

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,152

Applicant(s)

TUCKER, RICHARD B.C.

Examiner

Tom P Duong

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,38,40-45,48-54,72,74,89,90,96-97,111 and 130-155 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,38,40-45,48-54,72,74,89,90,96-97,111 and 130-155 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 111-146 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claims 96, 97, and 111, there is no written description of a "positive lock receiver".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8, 38, 48, 90, 111, and 148 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tucker, Sr. (5,332,214). Tucker Sr. discloses a putter head 15 comprising a plastic body member (Col. 4 lines 1-4), elastomeric striking face 9, one or more fittings 19 (support member 11), and recess area 24 having holes 27 and 29 (passageway). Regarding claim 38, it

is obvious that the fasteners 21 and 23 provide sufficient means for securing or bonding the support member/face member and allow quick detachment of the face member.

3. Claims 8, 90, 48-54, 72, 74, and 89 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Moss (3,310,309). Moss discloses a putter head (Col. 1, lines 9-10) comprising of a aluminum striking face 10 fastened by screws 24 and 25 to attachment 4, and a magnet 16 fastened by screws 17 and 18 to the back of the attachment, which is magnetized to the putter face 12 (Figs. 2 and 6, and Col. 2, lines 28-39). Regarding claim 74, mechanical fasteners such as threaded bolt or threaded bolt with enclosing nuts (best understood by examiner) have the same function of securing the striking face to the club body as others mechanical means such as hex bolts, adhesives, rivets, or by other known means of attachment (See USPN 6,102,813).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 38, 40-45, 48-54, 72, 74, 89-90, 96-97, 111, and 156 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss (3,310,309). Regarding claims 8, 48-54, 72, 74, 89-90, 96-97, and 111, Moss discloses a putter head (Col. 1,

lines 9-10) comprising of a aluminum striking face 10 fastened by screws 24 and 25 to attachment 4, and a magnet 16 fastened by screws 17 and 18 to the back of the attachment, which is magnetized to the metallic putter face 12 (Figs. 2 and 6, and Col. 2, lines 28-39). Regarding claims 38 and 41-45, the method of quickly detaching or attaching the striking face or attachment 4 is an obvious necessary steps in changing the loft of the striking face. Regarding claims 40 and 156, Official Notice is taken that it would have been obvious to insert a golf tee or other tools such as screw driver, golf tee, pocket knife, pen, pencil, and etc. thru the holes 27 and 29 to facilitate the attachment or detachment of the striking face (See USPN 6,238,303, Col. 4, lines 20-26). Regarding claim 74, mechanical fasteners such as threaded bolt or threaded bolt with enclosing nuts (best understood by examiner) have the same function of securing the striking face to the club body as others mechanical means such as hex bolts, adhesives, rivets, or by any other known means of attachment.

5. Claims 38, 40-45, 111, 149, and 156 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker, Sr. (5,332,214). Regarding claims 38, 45, and 111, Tucker Sr. discloses a putter head 15, changeable striking face 9, one or more fittings or support member 11, and a passageway or recess area 24, and mechanical fasteners 21 and 23. With respect to the bonding of the face attachment, Tucker Sr. shows a pair of screws (21,23) for quick attachment or releasing of the striking face and such mechanical fasteners provide strong bond of the face member to the club body or enable quick replacement of the striking face. Regarding claims 40 and 156, Official Notice is taken that it would have been obvious in view of Tucker to insert a golf tee or

other tools such as screw driver, golf tee, pocket knife, pen, and etc. thru the holes 27 and 29 to facilitate the attachment or detachment of the striking face (See USPN 6,238,303, Col. 4, lines 20-26). Regarding claims 41-44, the method of replacing the striking face in view of Tucker is an obvious necessary steps to replace the striking face. Regarding claim 149, Tucker discloses a metal weight 13 with varying mass, which has the function of a metal core for balancing the overall mass of the putter.

6. Claims 131-155 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss '309 in view of Tucker, Sr. (5,332,214). Regarding claims 131-155, Moss shows the face attachment 4, which is placed on the face 12 of the club head instead of disposing the striking face attachment within a cavity. Tucker, Sr. shows a striking face with support member and face member disposed with the recess 24 or cavity to provide a tight fit and proper alignment of the striking face attachment. Thus, it would have been obvious in view of Tucker to one having ordinary skill in the art to modify the attachment 4 of Moss to dispose in the recess as taught by Tucker to provide a tight fit and proper alignment of the striking face attachment. (See also USPN 6,238,303 for similar concept). Regarding claims 131, 151 and 155, Moss shows the attachment having a single magnet 16 instead of two magnets, a first and second magnet, but it appears that the single magnet of Moss provide the same concept of quick attachment and detachment of the striking face. Thus, it appears that the difference in the magnetic arrangement of the face attachment is a matter of design choice. Regarding claim 136, Official Notice is taken that it would have been obvious to provide such strips to facilitate

inserting and aligning the face member with the grooves of the support member and it would have been obvious to do so here.

Response to Arguments

Applicant's arguments with respect to claims 1-14, 38-54, 72, 74, 89-97, 111-113, 118-126, and 129-138 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (703) 305-4559. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Tom Duong



Paul T. Sewell
Supervisory Patent Examiner
Group 3700